

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Jerry Waters,)	CASE NO. 1:04 CV 1026
)	
Petitioner,)	JUDGE PATRICIA A. GAUGHAN
)	
vs.)	
)	
Margaret Bradshaw, Warden,)	<u>Order of Transfer</u>
)	
Respondent.)	

This matter is before the Court upon the Report and Recommendation of Magistrate Judge White (Doc. 22) which recommends that the petitioner's Motion for Relief from Judgment pending before this Court be treated as a second or successive habeas petition and transferred to the Sixth Circuit. No objections have been filed. Having found no clear error, the Court fully agrees with the Report and Recommendation. Accordingly, the Report and Recommendation is ACCEPTED and this matter is hereby transferred to the United States Court of Appeals for the Sixth Circuit to determine whether this Court is authorized to consider a second petition.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge

Dated: 9/16/08